

REMARKS

In response to the Office Action mailed February 10, 2006, the Applicant requests reconsideration in view of the above claim amendments and the following remarks. Claims 1, 16, 28 and 35 have been amended. Claims 42-56 are newly added. Claims 1-10, 12-18, 20-23, 25-27, 29-33, 35-37, and 39-56 are pending in this application.

Claim rejections 35 U.S.C. §103(a)

Claims 1-8, 10, 27-33 and 35-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morganstein et al., (U.S. Patent 6,445,775, hereinafter “*Morganstein*”) in view of Peterson, et al. (U.S. Patent 6,385,303, hereinafter “*Peterson*”). Claims 1, 28, and 35 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended claim 1 recites a method of screening a caller prior to establishing a telephone connection between the caller and a callee comprising, *inter alia*, receiving a voice sample from the caller, determining the callee from analysis of the voice sample wherein the callee is a person, and wherein the telephone call is directed to a telephone terminal for the callee for the purpose of speaking to the callee, identifying the caller by analyzing the voice sample of the caller received when the caller speaks the name of the callee without asking the caller to self identify, wherein the identifying comprises obtaining a prior voice recording of the caller’s voice and analyzing the voice sample by using the prior voice recording, and screening the telephone call based on an identity of the caller and based on a predefined authorization established by the callee stored in a digital call assistant.

Amended claim 28 recites a computer-readable medium having computer-executable instructions stored thereon which, when executed by a computer, will cause the computer to perform a method of screening a caller prior to establishing a telephone connection between the caller and a callee comprising, *inter alia*, receiving a voice sample from the caller, determining the callee from analysis of the voice sample wherein the callee is a person, and wherein the

telephone call is directed to a telephone terminal for the callee for the purpose of speaking to the callee, identifying the caller by analyzing the voice sample of the caller received when the caller speaks the name of the callee without asking the caller to self identify, wherein the identifying comprises obtaining a prior voice recording of the caller's voice and analyzing the voice sample by using the prior voice recording, and screening the telephone call based on an identity of the caller and based on a predefined authorization established by the callee stored in a digital call assistant.

Amended claim 35 recites a system for screening a caller prior to establishing a telephone connection between the caller and a callee comprising, *inter alia*, a voice recognition means operative to, *inter alia*, receive a voice sample from the caller, determine the callee from analysis of the voice sample, wherein the callee is a person and wherein the telephone call is directed to a telephone terminal for the callee for the purpose of speaking to the callee, and obtain a voice recording of the caller's voice when the caller speaks the name of the callee, and a call screening means, in communication with the voice recognition means and the comparator means, operative to screen the telephone call based on an identity of the caller and based on a predefined authorization established by the callee stored in a digital call assistant.

Morganstein discloses a computer-based system and method for identifying an unidentified caller that not only verifies the identity of the unidentified caller, but also identifies the unidentified caller from a universe of known callers. The system and method of *Morganstein* identifies the unidentified caller regardless of the location, switching system, trunk line, or telephone number associated with the caller, and may be used in a variety of computer-based contexts, including personal and business home use, business and organizational settings, and any other suitable application. (See *Morganstein* column 2, lines 1-12.) *Morganstein* can receive and process calls from one or more unidentified callers 14 serially, more or less simultaneously, or in any other temporal relationship, the method is discussed with reference to a single unidentified caller 14. (See *Morganstein* column 20, lines 30-34.) *Morganstein* can receive an incoming call and route the call to voice board 78 of processing system 72. (See *Morganstein* column 20, lines 34-36.) Voice board 78 audibly prompts unidentified caller 14 to provide an utterance at step 406 and, at step 408, unidentified caller 14 provides the requested utterance. (See *Morganstein* column 20, lines 36-38.) In *Morganstein*, the utterance may be any

sound, word, or phrase, such as the name of unidentified caller 14, suitable for being digitized and compared with previously stored utterance identifiers 164 corresponding to one or more known callers. (See *Morganstein* column 20, lines 38-43.) In addition, *Morganstein* discloses a processing system 72 that can route calls from some or all unidentified callers 14 according to pre-programmed call routing information in response to an identification of unidentified callers 14. (See *Morganstein* column 21, lines 30-35.)

Peterson discloses a telephone system and method that reduce call interruptions to a telephone, i.e., reduce interruptions caused by a caller placing a call to the telephone. (See *Peterson* column 2, lines 41-43.) *Peterson* can enable the no-call feature either by operating a switch on the telephone or by entering a specific numeric code using the telephone's keypad. (See *Peterson* column 2, lines 43-46.) If the no-call feature is enabled and a call is received by the telephone, when the telephone is answered, the telephone then plays a message to the caller indicating that no calls are being taken. (See *Peterson* column 2, lines 46-49.) The telephone plays the message after the call is answered. (See *Peterson* column 2, lines 49-50.)

In contrast with the claimed invention, the combination of *Morganstein* and *Peterson* fails to disclose all the limitations of claims 1, 28, and 35. In addition, the Office Action acknowledges that *Morganstein* fails to disclose that an utterance is the name of the callee. In order to overcome this deficiency in *Morganstein*, the Office Action relies on *Peterson*. However, the combination of *Morganstein* and *Peterson* fails to disclose all the limitations of Claim 1, 28, and 35.

The combination of *Morganstein* and *Peterson* fails to disclose receiving a voice sample from the caller, determining the callee from analysis of the voice sample wherein the callee is a person, and wherein the telephone call is directed to a telephone terminal for the callee for the purpose of speaking to the callee, identifying the caller by analyzing the voice sample of the caller received when the caller speaks the name of the callee without asking the caller to self identify, wherein the identifying comprises obtaining a prior voice recording of the caller's voice and analyzing the voice sample by using the prior voice recording, and screening the telephone call based on an identity of the caller and based on a predefined authorization established by the callee stored in a digital call assistant, as recited in claim 1. *Morganstein* does not determine the

callee from an analysis of the voice sample because *Morganstein* is directed to call centers. (See *Morganstein* column 11, lines 3-9.) Therefore, any utterance used in *Morganstein* is not used to determine a callee, but is merely used to determine if any caller information is in an associated database for use by an available agent. (See *Morganstein* column 12, lines 13-20.) Accordingly, because *Morganstein* does not identify the callee, *Morganstein* fails to direct the telephone call to the callee, but instead routes a telephone call to an available agent because *Morganstein* is concerned with identifying a caller, not a callee.

Morganstein fails to disclose screening a telephone call based on an identity of the caller and based on a predefined authorization established by the callee stored in a digital call assistant. *Morganstein* does not screen telephone calls based on a predefined authorization established by the callee, but instead routes a telephone to an available agent once the identity of the caller is established. Subsequently, an agent that receives information about the caller may select from several routing options in order to manage a telephone call. (See *Morganstein* column 18, lines 26-51.) Accordingly, *Morganstein* does not use a predefined authorization for screening a telephone call, but instead allows an agent to subsequently address a telephone call routed to the agent. *Peterson* merely plays a message to a caller that the callee is not accepting telephone calls at the present time, which may utilize voice recognition to identify a callee. However, *Peterson* does not screen telephone calls based on a predefined authorization established by the callee, but instead notifies the caller that the callee is not currently accepting telephone calls unless the caller is an exception.

Accordingly, independent Claim 1 patentably distinguishes the present invention over the cited prior art, and Applicants respectfully request withdrawal of this rejection of Claim 1. Dependent Claims 2-8, 10, and 13-16 are also allowable at least for the reasons described above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-8, 10, and 13-16.

Claim 28 includes limitations similar to the limitations mentioned above with respect to Claim 1 and is patentably distinguishable from the cited prior art for the reasons mentioned above with respect to Claim 1. Accordingly, Applicants respectfully request withdrawal of this

rejection of Claim 28. Dependent Claims 32-34 are also allowable at least for the reasons described above regarding independent Claim 28, and by virtue of their dependency upon independent Claim 28. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 32-34.

The combination of *Morganstein* and *Peterson* fails to disclose a voice recognition means operative to, *inter alia*, receive a voice sample from the caller, determine the callee from analysis of the voice sample, wherein the callee is a person and wherein the telephone call is directed to a telephone terminal for the callee for the purpose of speaking to the callee, and obtain a voice recording of the caller's voice when the caller speaks the name of the callee, and a call screening means, in communication with the voice recognition means and the comparator means, operative to screen the telephone call based on an identity of the caller and based on a predefined authorization established by the callee stored in a digital call assistant, as recited in claim 35. For the reasons mentioned above with respect to claim 1, the combination of *Morganstein* and *Peterson* fails to disclose a screening means based on a predefined authorization established by the callee stored in a digital call assistant. Accordingly, Applicants respectfully request withdrawal of this rejection of Claim 35. Dependent Claims 39-41 are also allowable at least for the reasons described above regarding independent Claim 35, and by virtue of their dependency upon independent Claim 35. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 39-41.

Claims 13-16, 34 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of *Morganstein* and *Peterson* in view of O'Brien (U.S. Patent 5,479,489, hereinafter "*O'Brien*"). Claims 1, 28, and 35 have been amended and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Claims 13-16 depend from Claims 1, Claim 34 depends from Claim 28, and Claim 41 depends from Claim 35, and are allowable over the combination of *Morganstein* and *Peterson* for the reasons mentioned above with respect to Claims 1, 28, and 35. In addition, the Office Action acknowledges that the combination of *Morganstein* and *Peterson* fails to disclose all the limitations of Claims 13-16, 34 and 41. In order to overcome these deficiencies in *Morganstein*

and *Peterson*, the Office Action relies on *O'Brien*. However, the combination of *Morganstein*, *Peterson*, and *O'Brien* fails to disclose all the limitations of Claims 13-16, 34 and 41.

O'Brien discloses that data is stored for comparison with an utterance using one or more phoning phoneme strings for each utterance and a corresponding telephone number and phoneme string for a called customer; the generation of the phoneme string corresponding to the caller's utterance and the comparison of that phoneme string with the set of phoneme strings stored in a centralized data base is performed in the central office. *O'Brien* is merely directed to voice-activated calling, and fails to remedy any of the claimed deficiencies in the combination of *Morganstein* and *Peterson* as they relate to claims 1, 28, and 35.

Accordingly, the combination of *Morganstein*, *Peterson*, and *O'Brien* fails to disclose all the limitations of Claims 1, 28, and 35. Dependent Claims 13-16 are allowable at least for the reasons described above regarding Independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent Claims 13-16. Dependent Claim 34 is allowable at least for the reasons described above regarding Independent Claim 28, and by virtue of its dependency upon independent Claim 28. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent Claim 34. Dependent Claim 41 is allowable at least for the reasons described above regarding Independent Claim 35, and by virtue of its dependency upon independent Claim 35. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent Claim 41.

Newly added claims 42-56 depend from Claim 1 and are allowable over the combination of *Morganstein* and *Peterson* for the reasons mentioned above with respect to Claim 1.

CONCLUSION

A request for a three-month extension of time is requested for the period of May 10, 2006 through August 10, 2006, and is submitted with this amendment.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned please contact Applicants' undersigned attorney at 404.954.5040.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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